



# *CITY COUNCIL*

## ***Committee of the Whole***

**Tuesday, February 16, 2021**

**5:00 pm**

**Virtual Meeting**

**Agenda**

**Under the current COVID-19 Declaration of Emergency the public is prohibited from attending the Committee of the Whole meeting. This meeting can be viewed LIVE on the City's website while the meeting is taking place or at any time at <https://www.readingpa.gov/content/city-council-video>.**

Join from a PC, Mac, iPad, iPhone or Android device:

Please click this URL to join.

<https://readingpa.zoom.us/j/92401029732?pwd=YzJTQUdpc1p5MkZyYWcvdmJ6VHVhQT09>

Passcode: 189331

Or iPhone one-tap:

+13017158592,,92401029732#,,,,\*189331# US (Washington DC)

+13126266799,,92401029732#,,,,\*189331# US (Chicago)

Or join by phone:

Dial(for higher quality, dial a number based on your current location):

US: +1 301 715 8592 or +1 312 626 6799 or +1 646 558 8656 or +1 253 215 8782 or +1 346 248 7799  
or +1 669 900 9128

Webinar ID: 924 0102 9732

Passcode: 189331

### **I. Pollution Reduction Plan Amendment re Tulpehocken Creek 20 mins**

Pgs 3-4 The City of Reading is preparing to revise its Pollution Reduction Plan (PRP) and is requesting public input on the plan. The PRP describes a plan to treat stormwater runoff to a portion of the Tulpehocken Creek watershed within the city limits. The original plan included a single Best Management Practice feature (BMP), a raingarden to be located at west end of Columbia Street. The revised plan includes a second BMP raingarden, to be located at the south end of Warren Street. Both BMP's features will be located within the City right-of-way. The revised PRP is available for public review on the City of Reading's website at: <https://www.readingpa.gov>. The ordinance will be introduced at the March 8<sup>th</sup> Regular meeting and enactment may occur at the March 22 Regular

meeting. Interested parties may submit verbal or written comments during the 30-day comment period beginning on the date of this advertisement.

## **II. Loitering & Panhandling Ord Review**

**Pgs 5-11** The purpose of this section is to balance the constitutional right of free speech of someone to ask for money with the right of someone to walk the streets free of harassment based on laws used in Lancaster and Harrisburg PA. It is the intent of this section to provide the Reading Police Department with an additional tool to address aggressive panhandling or loitering when it is reported or they encounter it and the individual(s) involved cannot be referred to the various social service networks available or if the situation would not be resolved through the use of a social service agency.

## **III. Adjourn**

Drafted by Asst. Solicitor  
Sponsored by/Referred by Public Works  
Introduced on March 8, 2021  
Advertised on February 15<sup>th</sup>, March 1<sup>st</sup> and March 15<sup>th</sup>

**BILL NO. - \_\_\_\_\_ 2021**

**AN ORDINANCE AUTHORIZING THE ACCEPTANCE OF THE MS4 POLLUTION REDUCTION PLAN (PRP) FOR THE CITY OF READING**

**WHEREAS**, as part of the City’s National Pollutant Discharge Elimination System (NPDES) permit submittal, and pursuant to the Clean Water Act, the City is required to submit a Pollution Reduction Plan (Attachment “A”), and

**WHEREAS**, the PRP was recently revised, dated January 2021, to include two locations for permanent raingardens, as noted on the PRP,

**SECTION 1.** Council hereby acknowledges and accepts the City’s Pollution Reduction Plan and authorizes it to be advertised.

**SECTION 2.** This Ordinance shall become effective within ten (10) days of the date of passage and approval by the Mayor or override of the Mayor’s veto.

Adopted \_\_\_\_\_, 2021

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

Attest:

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

Submitted to Mayor: \_\_\_\_\_  
Date: \_\_\_\_\_  
Received by the Mayor’s Office: \_\_\_\_\_  
Date: \_\_\_\_\_  
Approved by Mayor: \_\_\_\_\_  
Date: \_\_\_\_\_  
Vetoed by Mayor: \_\_\_\_\_

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

Please place the attached ad in the Reading Eagle Times in the Public Notice Section on February 15<sup>th</sup>, March 1<sup>st</sup> and March 15<sup>th</sup> - **Account # 1333909** - PROOF OF PUBLICATION REQUESTED

**PUBLIC NOTICE**  
**Pollution Reduction Plan**

The City of Reading is preparing to revise its Pollution Reduction Plan (PRP) and is requesting public input on the plan. The PRP describes a plan to treat stormwater runoff to a portion of the Tulpehocken Creek watershed within the city limits. The original plan included a single Best Management Practice feature (BMP), a raingarden to be located at west end of Columbia Street. The revised plan includes a second BMP raingarden, to be located at the south end of Warren Street. Both BMP's features will be located within the City right-of-way. The revised PRP is available for public review on the City of Reading's website at: <https://www.readingpa.gov>. The ordinance will be introduced at the March 8<sup>th</sup> Regular meeting and enactment may occur at the March 22 Regular meeting. Interested parties may submit verbal or written comments during the 30-day comment period beginning on the date of this advertisement. Verbal and written comments not to exceed 5 minutes in length will be accepted during the public comment period at the virtual City Council meeting, scheduled for March 8 and 22, 2021. Additional public comment rules are included on the Regular meeting agendas. The virtual Regular Meetings begin at the close of the Committee of the Whole Meeting at approx.. 6:30 pm. Written comments can be submitted by email to [council@readingpa.gov](mailto:council@readingpa.gov) or mailed to the City Clerk, 815 Washington St., Reading PA 19601. The PRP is a requirement under the City of Reading's Municipal Separate Storm Sewer System (MS4) Permit.

Linda A. Kelleher CMC  
City Clerk

Drafted by: City Clerk  
Referred by: Councilor Reed  
Introduced on:  
Advertised on:

BILL NO. \_\_\_\_\_ 2021

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF READING BERKS COUNTY, PENNSYLVANIA, AMENDING THE CITY CODE CHAPTER 353 LOITERING & OBSTRUCTING THE PUBLIC RIGHT OF WAY, BY CHANGING THE CHAPTER TITLE TO LOITERING & PANHANDLING, DEFINING PANHANDLING AND OTHER RELEVANT TERMS, PROHIBITING PANHANDLING IN CERTAIN PLACES AND IN CERTAIN MANNERS; PROVIDING A PENALTY FOR VIOLATING THE ORDINANCE; PROVIDING FOR THE REPEAL OF INCONSISTENT ORDINANCES; PROVIDING FOR THE SEVERABILITY OF THE ORDINANCE; AND PROVIDING THAT THE ORDINANCE SHALL TAKE EFFECT AS PROVIDED BY PENNSYLVANIA LAW.

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

SECTION 1: Amending the City Code Chapter 353 Loitering & Panhandling ~~Obstructing the Public Right of Way~~, as follows:

**Chapter 353**  
**LOITERING & PANHANDLING ~~OBSTRUCTING PUBLIC~~**  
**PLACES**

§ ~~353-101~~. Purpose.

§ ~~353-102~~. Definitions

§ ~~353-103~~. Loitering and Panhandling ~~obstructing public places~~.

§ ~~353-104~~. Enforcement.

§ ~~353-105~~. 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.

Procedure in Court Cases Initiated by Arrest Without Warrant - Title 234, Chapter 5, PA Code Rule 519

### **§ 353-101. Definitions.**

The purpose of this section is to balance the constitutional right of free speech of someone to ask for money with the right of someone to walk the streets free of harassment based on laws used in Lancaster and Harrisburg PA. It is the intent of this section to provide the Reading Police Department with an additional tool to address aggressive panhandling or loitering when it is reported or they encounter it and the individual(s) involved cannot be referred to the various social service networks available or if the situation would not be resolved through the use of a social service agency.

### **§ 353-102. Definitions.**

As used in this chapter, certain terms are defined as follows:

#### **1. LOITERING —**

(a) to stand around or remain or to park or remain parked in a motor vehicle at a public place or place open to the public and to engage in any conduct prohibited under this law; or

(b) to collect, gather, congregate, or to be a member of a group or a crowd of people who are gathered together in any public place or place open to the public and to engage in any conduct prohibited under this law.

#### **2. *Place open to the public.***

*(a) “Place open to the public” means any place open to the public or any place to which the public is invited and in, on, or around any privately owned place of business, private parking lot, or private institution, including places of worship, cemetery, or any place of amusement and entertainment, whether or not a charge of admission or entry thereto is made.*

*(b) It includes the elevator, lobby, halls, corridors, and areas open to the public of any store, office, or apartment building.*

**3. AUTOMATED TELLER MACHINE –** *A device, linked to a financial institution’s account records, which is able to carry out transactions, including but not limited to account transfers, deposits, cash withdrawals, balance inquiries, and mortgage and loan payments.*

**4. AUTOMATED TELLER MACHINE FACILITY –** *The area comprised of one or more automatic teller machines and any adjacent space which is made available to banking customers after regular banking hours.*

5. CHECK CASHING BUSINESS – *Any entity duly licensed by the Pennsylvania Department of Banking to engage in the business of cashing checks, drafts, or money orders for consideration pursuant to the Check Casher Licensing Act, Act of February 18, 1998, P.L. 146, as amended, 63 P.S. § 2301 et seq.*

6. FINANCIAL INSTITUTION – *Any entity authorized to engage in the business of receiving money for deposit or transmission pursuant to Section 105 of the Pennsylvania Banking Code Act of November 30, 1965, P.L. 847, as amended, 7 P.S. § 105.*

7. OUTDOOR CAFÉ – *A use characterized by outdoor table service of food or beverages prepared for service in a structure located adjacent, attached or in close proximity thereto for consumption on the premises.*

8. PANHANDLING IN AN AGGRESSIVE MANNER –

a. *Following behind, ahead or alongside a person for more than 25 feet either before, during or after soliciting if that conduct is intended or is likely to cause a reasonable person to fear bodily harm to oneself or to another or damage to or loss of property or otherwise be intimidated into giving money or other thing of value;*

b. *Continuing to solicit from a person after that person has given a negative response to such soliciting or walked away from the solicitor;*

c. *Intentionally touching or causing physical contact with the solicited person without such person's consent;*

d. *Intentionally blocking or interfering with the safe or free passage of a person or vehicle being solicited by any means, including unreasonably causing a person or vehicle operator to take evasive action to avoid physical contact;*

e. *Using profane or abusive language or speaking in an unreasonably loud volume, either during the solicitation or following a refusal to make a donation, or making any statement or gestures toward a solicited person which would cause a reasonable person to be fearful or feel compelled; or*

f. *Soliciting from a person while that person is waiting in line for entry to a building or for another purpose.*

9. PANHANDLING, SOLICITING and BEGGING – *“Panhandling,” “soliciting” and “begging” shall be used interchangeably in this chapter and shall mean asking ~~or soliciting~~ ~~in~~ a person for an immediate donation of money or objects of value, with the intention that the money or object be transferred at that time and at that place, for charity or personal gain that is not authorized. “Panhandling” shall include, but not be limited to, using the spoken, written or printed word, bodily gestures, or signs, ~~music, singing or other street performance~~*

*with the purpose of obtaining an immediate donation of money or other thing of value. "Panhandling" shall also include exchanges in which the person being solicited asked receives an item or thing of little or no monetary value in exchange for a donation, under circumstances where a reasonable person would understand that the transaction is in substance a donation. Panhandling does not include passively standing or sitting with a sign or other indication that one is seeking donations, without addressing any solicitation to any specific person other than in response to an inquiry by that person. Music, singing or other street performances are exempted.*

~~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.~~

*10. PUBLIC PLACE – A place to which the public or a substantial group of persons has access, including but not limited to any street, highway, sidewalk, parking facility, plaza, transportation facility, school, place of worship, cemetery, place of amusement, park or playground, and any doorway, entrance, hallway, lobby or other portion of any business establishment, apartment house or hotel not constituting a room or apartment designed for actual residence.*

*11. PUBLIC TOILET – Any "porta potty" located on public property or any rest room facilities located within any public park or swimming pool which are intended for use by the general public.*

*12. PUBLIC TRANSPORTATION VEHICLE – Any vehicle, including a trailer bus, designed, used or maintained for carrying 10 or more persons, including the driver, or a passenger vehicle designed for carrying fewer than 10 persons, including the driver, and used to carry passengers for hire.*

*13. SIDEWALK CAFÉ – A use located on a public sidewalk which is located adjacent to a full service restaurant where food and beverages are prepared, served and sold and are delivered for consumption on the sidewalk. It is characterized by the presence of tables and chairs and may be shaded by canopies, awnings or umbrellas. It shall also include the public right-of-way connecting the main restaurant to the sidewalk café.*

#### **14. OBSTRUCTING HIGHWAYS AND OTHER PUBLIC PASSAGES.**

**(a) Obstructing.**--A person, who, having no legal privilege to do so, intentionally or recklessly obstructs any highway, railroad track or public utility right-of-way, sidewalk, navigable waters, other public passage, whether alone or with others, commits a summary offense, or, in case he persists after warning by a law officer, a misdemeanor of the third degree. No person shall be deemed guilty of an offense under this subsection solely because



of a gathering of persons to hear him speak or otherwise communicate, or solely because of being a member of such a gathering.

**(b) Refusal to move on.--**

(1) A person in a gathering commits a summary offense if he refuses to obey a reasonable official request or order to move:

(i) to prevent obstruction of a highway or other public passage; or

(ii) to maintain public safety by dispersing those gathered in dangerous proximity to a fire or other hazard.

(2) An order to move, addressed to a person whose speech or other lawful behavior attracts an obstructing audience, shall not be deemed reasonable if the obstruction can be readily remedied by police control of the size or location of the gathering.

**(c) Definition.--**As used in this section the word "obstructs" means renders impassable without unreasonable inconvenience or hazard.

**Cross References.** Section 5507 is referred to in sections 3019, 3065 of this title; section 8902 of Title 42 (Judiciary and Judicial Procedure).

**§ 353-103. 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.

*C. That the person's conduct constituting the offense is upon the officer's view imperiling the personal security of any person or endangering public or private property, as per Title 234, Chapter 5, PA Code Rule 519.Procedure in Court Cases Initiated by Arrest Without Warrant*

**§ 353-104. Panhandling.** No person shall engage in an act of panhandling, solicitation or begging:

a. Within 25 feet of the outside perimeter of an outdoor café or a sidewalk café unless expressly authorized by the owner, manager or supervisor of the establishment.

b. On private or residential property without permission from the owner or other person lawfully in possession of such property.

- c. Within 20 feet of public toilets.
- d. Within 20 feet of an entrance to or exit from any financial institution, check cashing business or automated teller machine without the consent of the owner of the property or another person legally in possession of such facilities; provided, however, that when an automated teller machine is located within an automated teller machine facility, such distance shall be measured from the entrance or exit of the facility.
- e. With an operator or occupant of a motor vehicle while such vehicle is located on any public street, for the purpose of the sale of goods or offering to perform a service in connection with such vehicle, or in exchange for blocking, occupying or otherwise reserving a public parking space or directing the operator or occupant to a public parking space; provided, however, that this subsection shall not apply to services being offered in connection with emergency repairs requested by the operator or occupant of such vehicle.
- f. In any public transportation vehicle, stop or facility or in any public parking lot or facility.
- g. In an aggressive manner, as defined in § 353-102 above, in any public place within the City.

**§ 353-105. Enforcement.**

When any person causes or commits any of the conditions enumerated in §353-102.1A 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

- A. *the law enforcement officer shall first determine if the person can be assisted by a social service agency and if the social service agency refuses to provide assistance or the law enforcement officer determines that social services will not deescalate the immediate conditions, then, shall be subject to Title 234, Chapter 5, PA Code Rule 519.Procedure in Court Cases Initiated by Arrest Without Warrant and subject to the Violations and penalties in § 353-106.*

**§ 353-106. Violations and penalties.**

Any person or persons who shall violate any provision of this chapter shall, upon conviction thereof, *be sentenced to 20 hours of community service in the downtown area as assigned by the Public Works Director, or his designee, plus two (2) hours of counseling as assigned by the Homeless Coalition. Upon conviction of a 2<sup>nd</sup> offense, the person or persons shall be assigned to 40 hours of community service in the downtown area as assigned by the Public Works Director, or his designee, plus four (4) hours of counseling as assigned by the Homeless Coalition. Upon conviction of a 3<sup>rd</sup> offense, the person or persons shall be required*

*to pay a fine* plus costs, and in default of payment of said fine and costs, to imprisonment for a term not to exceed 30 days.

**SECTION 2.** All ordinances or resolutions or parts of ordinances or resolutions insofar as they are inconsistent herewith are hereby repealed and rescinded.

**SECTION 3.** In the event any provision, section, sentence, clause or part of this Ordinance shall be held to be invalid, such invalidity shall not affect or impair any of the remaining provisions, sections, sentences, clauses or parts of this Ordinance; it being the intent of the City of Reading that the remainder of the Ordinance shall be and shall remain in full force and effect.

**SECTION 4.** This Ordinance shall become effective as provided by the laws of the Commonwealth of Pennsylvania.

**DULY ORDAINED AND ENACTED** this \_\_\_\_ day of \_\_\_\_\_, 2021, by the Council of the City of Reading, Berks County, Pennsylvania, in lawful session duly assembled.

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

Attest:

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

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

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

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

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

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

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

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

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