



CITY COUNCIL

Committee of the Whole

Tuesday, July 5, 2022

6:15 pm

Hybrid Meeting

Agenda

The City Council Committee of the Whole meetings are filmed and can be viewed LIVE while the meeting is taking place via the attached Zoom link and dial-in phone number, on Facebook and on BCTV MAC Channel 99 or at your convenience 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/87470798784?pwd=Y0hSYnpUNjdaRUdjY3lzWkt2cjB2QT09>

Passcode: 878425

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 +1 720 707 2699 or 877 853 5257 (Toll Free) or 888 475 4499 (Toll Free)

Webinar ID: 874 7079 8784

Passcode: 878425

I. 2nd Class City Upgrade re Pros/Cons

II. Expanding Public Pools

III. Adding Mold to Property Maintenance Code

IV. Ordinance Review (ordinances attached pgs 2-25)

- **Bill 55-2022** – directing the Berks County Board of Elections to place a referendum question before city voters on the 2022 General Election Ballot which would amend the Home Rule Charter Section 404 (a) - (b) – requiring Council approval for the termination of the Managing Director **Introduced at the June 13 regular meeting; Tabled on June 27th**
- **B. Bill 61-2022** – authorizing residential permit parking from 8 am to 8 pm with a 2 hour period for non-permit holders Zones in the 100 block of Schiller Street, the 100 block of North 8th Street and the 200 block of Reed Street, in accordance with City Code Chapter 576 Vehicles and Traffic, Part 4 Stopping and

Parking, A – Regulations, Section 576-417 Residential Permit Parking, as recommended by the Reading Parking Authority

- **C. Bill 62-2022** – amending City Code Chapter 396, Part 3 Park Use by providing additional authority for law enforcement agencies to act when responding to calls for service at public park properties as defined herein and allowing responding law enforcement agencies to seize devices that are in violation of this ordinance for possible forfeiture and destruction.
- **D. Bill 63-2022** – amending City Code Chapter 387 Noise by adding references to Chapter 396, Part 3 Park Use regarding noise at City and City agency owned properties
- **E. Bill 64-2022** – directing the Berks County Board of Elections to place a referendum question before city voters on the 2022 General Election Ballot which would amend the Home Rule Charter Section 603 (a) - (b) – requiring Council approval for the termination of the Department Directors
- **F. Bill 65-2022** – authorizing the conveyance of 140 Schiller Street Berks County Parcel I.D. No. 06530765523615 from the Reading Redevelopment Authority and execution of the agreement of sale of the property for nominal consideration as per the agreement of sale

IV. Public Safety Reports (Police & Fire pg 26-27)

- Project Updates
 - FM update on inspections completed & Emergency Management
- Police & Fire Accomplishments*

V. Administrative Reports

A. Finance Monthly Reports – Executive Summary

- Balance Sheet & Income Statement
- Cash levels in the General Fund & Enterprise Funds
- Review Expenditure Reports by Department & Division
- Progress Reports on Grants & CDBG HUD Funding – amount received amount spent and grant deadline
- Non-recurring revenue or interfund transfers - 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.

B. HR Monthly Reports

- Budget-to-filled position report to show where there is a concentration of unfilled positions by Division/Office showing the employment category of each position
- Report each month on how HR is adhering to and/or implementing each part of Personnel Code Section 703 a through l

Sponsored by/Referred by
Introduced on
Advertised on

Councilors Reed & Daubert
June 27, 2022
July 1, 2022

BILL NO. ____-2022
AN ORDINANCE

AMENDING THE CITY OF READING CODE OF ORDINANCES, CHAPTER 396 PART 3 PARK USE BY PROVIDING ADDITIONAL AUTHORITY FOR LAW ENFORCEMENT AGENCIES TO ACT WHEN RESPONDING TO CALLS FOR SERVICE AT PUBLIC PARK PROPERTIES AS DEFINED HEREIN.

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

Section 1. Amending the City of Reading Code of Ordinances, Chapter 396 Part 3 Park Use by providing additional authority for law enforcement agencies to act when responding to calls for service at public park properties as defined herein, as attached.

SECTION 2. All ordinances or parts of ordinances which are inconsistent herewith are hereby repealed.

SECTION 3. This Ordinance shall become effective ten (10) days after its adoption in accordance with Sections 219 & 221 of the City of Reading Home Rule Charter.

Enacted by Council _____, 2022

Vice President of Council

Attest:

City Clerk

Sent to Mayor _____ Date: _____

Signed by Mayor _____ Date: _____

Vetoed by Mayor: _____ Date: _____

Over-ridden by Council Date: _____

CHAPTER 396
PART 3 PARK USE

§ 396-303. Definitions.

[Amended 4-11-2022 by Ord. No. 31-2022]

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, including but not limited to the Public Works Director or their designee and the Police Chief or their designee, **including Central Berks Police and the State Police.**

DIRECTOR OF PUBLIC WORKS — The official appointed and confirmed and/or his designee so designated, or his authorized representatives.

NATURAL AREA — A geographical area (as in a city) having a physical and cultural individuality developed through natural growth rather than design or planning.

PARK - Any area zoned as preservation, park, preserve, playground, recreation center, swimming pool, watershed including the Mt. Penn Preserve area or other place devoted to active or passive recreational use owned by the City of Reading **and any of its agencies.** During times of park closure, Skyline Dr. will remain open to vehicular traffic but said traffic must continue through the Preserve and not stop, stand or park within it.

PEDALCYCLE - Any wheeled vehicle propelled manually by pedaling without the use of a motor (unicycle, bicycle, tricycle, etc.)

PERMIT - The written authorization, issued by the City of Reading, to conduct activities governed by this Part or [Chapter 576](#).

PERSON - Any individual, firm, partnership, corporation or association, or any agent, assistant, employee or representative thereof.

SOLICITING - Persons selling goods or services by sample or taking orders for future delivery with or without accepting advance payment for the goods. Persons seeking any form contributions.

VEHICLE - Any conveyance (except baby carriages and motorized wheel chairs) including motor vehicles, buses, trailers of all types, campers, motorized bicycles, snowmobiles, all-terrain vehicles (ATVs), pushcarts or vehicles propelled by other than muscular power.

VENDING - Selling or trading any item or service.

§ 396-304. Time of use.

A. Parks are open 7:00 a.m. until 7:00 p.m. prevailing time from October 1 through April 30 and 7:00 a.m. until 9:00 p.m. prevailing time from May 1 through September 30, except with a permit. During hours the park area is closed, **law enforcement authorities described herein shall have the ability to clear the area of all parties and property.**

B. This shall not apply to City personnel engaged in the performance of their duties or to those having a permit or authorization from the Public Works Director, or his designee, Police Department, Pagoda Foundation or the Reading Recreation Commission to conduct activities during closed hours.

§ 396-305. Rules of conduct.

[Amended 12-27-2021 by Ord. 97-2021]

No person shall do any of the acts hereinafter described within the limits of any City parks, playgrounds, preserves and public spaces:

A. General uses and activities. Prohibitions.

(1) Disfigure, disturb, injure, tamper with, move or remove any flower, fruit, plant, tree, shrub, bench, apparatus, public sign, notice, bridge, table, fireplace, railing, paving or paving materials, monument, sculpture, stake, post, or other boundary marker, or other property whatsoever.

(2) Move or remove any wood, turf, grass, soil, rock, sand or gravel in any way to injure the natural beauty of the area.

(3) Climb, stand, roller skate, roller blade, skateboard or sit upon monuments, sculptures, vases, planters, fountains, railings, fences or upon any other property not designated or customarily used for such purposes.

(4) 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; nor shall one remove or have in one's possession the young of any wild animal, the eggs or nest, or young wild creature.

(5) Release any waterfowl, bird, animal, or fish in any City park, playground, preserve or public space.

(6) Throw stones or projectiles to injure any public property or to injure the natural beauty of the park.

(7) Dump or discard any refuse including yard waste, other waste materials or litter of any kind, junk, dead animal or offensive matter of any kind except in the containers provided by the City for the deposit of such items. Where receptacles are not provided, all such rubbish or waste shall be carried away from the park, preserve or playground by the person responsible for its presence, and properly disposed of elsewhere.

(8) Post or erect any bills, notices or advertising matter of any kind without a permit.

(9) Sell or offer for sale any merchandise, food, article or thing whatsoever, without a permit.

(10) Violate any posted rules for, or to misuse, any park, preserve, picnic area, court, playfield, swimming pool or other recreational area, and public spaces.

(11) Engage in camping, archery, golfing, or horseback riding. Camping includes overnight stays in a tent or recreational vehicle. Horseback riding is allowed in parts of the Mt. Penn Preserve area.

(12) Have any ceremony or any musical, theatrical or other entertainment event without a permit. ***Any device used to broadcast music and sound without the required permit and within the period of time specified may be seized and forfeited by the responding law enforcement authorities. Seized property shall be forfeited for violating this ordinance.***

(13) Engage in any unlawful gaming or have possession of any instrument or device for gambling without a permit.

(14) Bring food trucks or carts or ice cream trucks or carts into a park without valid Health and Business licenses and a permit.

(15) Consume, drink or have possession or custody of any alcoholic beverages including malt or brewed beverages or vinous or spirituous liquors except where a valid Commonwealth of Pennsylvania Liquor Control Board license is displayed.

(16) Solicit contributions for any purpose, whether public or private, except with a permit.

(17) Play, engage, or take part in any game or competitive sport for money or other valuable thing.

(18) Engage in any disorderly conduct or behavior tending to breach the public peace. ***Any device or equipment used to breach the public peace may be seized and forfeited by the responding law enforcement authorities.***

(19) Discharge firearms, paintball guns, air or spring rifles or slings.

(20) Set off any fireworks without a permit. Permits for the use of fireworks must be obtained from the Fire Marshal or his designee. Permits will ensure that fireworks are properly conducted and supervised in designated areas.

(21) Operate a licensed or unlicensed motor vehicle of any type, including motor bikes, mopeds, motorcycles, ATVs and snowmobiles.

(22) Stand or park any vehicle, except at designated locations.

B. Control of pets. Pets must be on a leash which is no longer than six (6) feet and must be under the control of the owner or temporary custodian thereof. All City health codes including Reading Code of Ordinances [Chapter 141](#) Animals and [Chapter 288](#) Health & Safety, Part 1 Health Code, Section [288-111](#) Animal Maintenance governing animal maintenance shall apply including cleaning up and removing all waste.

C. Use of fire.

(1) Fires are permitted only in a City owned non-portable fireplace or picnic stove or in a privately owned stove or similar device designed specifically for the cooking of food. Fire is prohibited in the Lake Ontelaunee watershed area.

(2) All smoking materials must be disposed of properly.

(3) Bonfires or any form of open burning are prohibited without a Special Events Permit.

(4) All fires shall be continuously under the care and direction of the user beginning with the time it is kindled until it is extinguished. Embers must be disposed of properly.

§ 396-310. Permits.

[Amended 4-11-2022 by Ord. No. 31-2022]

A. All permits issued by the City under this part, as defined herein, Recreation Commission, and/or Pagoda Foundation 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.

B. 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.

C. As a condition of issuing a permit, the City, as defined herein, Recreation Commission, and/or Pagoda Foundation may require a permit applicant to secure liability insurance, to post bond or to make any other guarantees the City considers reasonable.

D. No person shall conduct any activities for which a permit is required without first securing a valid permit to conduct such activities.

E. Permits must be produced and exhibited upon request of any authorized person who shall desire to inspect the permit for the purpose of enforcing compliance with exceptions for permitted special events.

F. No person shall make any alteration to a permit.

§ 396-312. Enforcement.

The Park Code of the City of Reading shall be enforced by City of Reading Police Department. The provisions of the Park Code may be enforced by the Central Berks Police Department and the State Police in all areas owned by the City of Reading including the Mount Penn Preserve.

Any device, equipment or property used to broadcast sound or music without the required permit that disturbs or breaches the public peace may be seized by the law enforcement agency as per § 396-305. Rules of conduct. 12 and 18 herein.

The device, equipment or property seized may be returned to the owner as per the policy of the law enforcement agency. However, on the 3rd citation and seizure, the seized device, equipment property will not be returned to the owner. If the device, equipment or property remains unclaimed for 45 days, the device, equipment or property shall be deemed forfeited and disposed of by the responding law enforcement agency.

Drafted by
Sponsored by/Referred by
Introduced on
Advertised on

City Clerk/Council Solicitor
Councilors Reed & Daubert
June 27, 2022
July 1, 2022

**BILL NO. ____-2022
AN ORDINANCE**

AMENDING THE CITY OF READING CODE OF ORDINANCES, CHAPTER 387 NOISE BY ADDING REFERENCES TO NOISE WITHIN PARK, PRESERVE AND OTHER PUBLIC PROPERTY OWNED BY THE CITY AND ITS AGENCIES

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

Section 1. Amending the City of Reading Code of Ordinances, Chapter 387 Noise by adding references to Noise within Park, Preserve and other public properties owned by the City and its Agencies, as attached.

SECTION 2. All ordinances or parts of ordinances which are inconsistent herewith are hereby repealed.

SECTION 3. This Ordinance shall become effective ten (10) days after its adoption in accordance with Sections 219 & 221 of the City of Reading Home Rule Charter.

Enacted by Council _____, 2022

Vice President of Council

Attest:

City Clerk

Sent to Mayor _____ Date: _____

Signed by Mayor _____ Date: _____

Vetoed by Mayor: _____ Date: _____

Over-ridden by Council Date: _____

**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).

For noise disturbances in parks, preserves and other property owned by the City or its agencies, please refer to Chapter 396 Parks and Recreation, Parts 304, 305 and 312.

§ 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. ***For noise disturbances in parks, preserves and other property owned by the City or its agencies, please refer to Chapter 396 Parks and Recreation, Parts 304, 305 and 312.***

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 a 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 ***that causes noise disturbances in violation of this chapter. (see Noise and Noise Disturbance definition herein)*** 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]

For noise disturbances in parks, preserves and other property owned by the City or its agencies, please refer to Chapter 396 Parks and Recreation, Parts 304, 305 and 312.

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.

For noise disturbances in parks, preserves and other property owned by the City or its agencies, please refer to Chapter 396 Parks and Recreation, Parts 304, 305 and 312.

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.

For noise disturbances in parks, preserves and other property owned by the City or its agencies, please refer to Chapter 396 Parks and Recreation, Parts 304, 305 and 312.

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]

For noise disturbances in parks, preserves and other property owned by the City or its agencies, please refer to Chapter 396 Parks and Recreation, Parts 304, 305 and 312.

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.

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SECTION 2. All ordinances or parts of ordinances which are inconsistent herewith are hereby repealed.

SECTION 3. This Ordinance shall become effective ten (10) days after its adoption in accordance

with Sections 219 & 221 of the City of Reading Home Rule Charter.

Enacted by Council _____, 2022

Vice President of Council

Attest:

City Clerk

Sent to Mayor _____ Date: _____

Signed by Mayor _____ Date: _____

Vetoed by Mayor: _____ Date: _____

Over-ridden by Council Date: _____

Chapter 387 NOISE

§ [387-101](#). Intent and purpose.

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§ [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).

For noise disturbances in parks, preserves and other property owned by the City or its agencies, please refer to Chapter 396 Parks and Recreation, Parts 304, 305 and 312.

§ 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. ***For noise disturbances in parks, preserves and other property owned by the City or its agencies, please refer to Chapter 396 Parks and Recreation, Parts 304, 305 and 312.***

- 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 a 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]

For noise disturbances in parks, preserves and other property owned by the City or its agencies, please refer to Chapter 396 Parks and Recreation, Parts 304, 305 and 312.

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.

For noise disturbances in parks, preserves and other property owned by the City or its agencies, please refer to Chapter 396 Parks and Recreation, Parts 304, 305 and 312.

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.

For noise disturbances in parks, preserves and other property owned by the City or its agencies, please refer to Chapter 396 Parks and Recreation, Parts 304, 305 and 312.

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]

For noise disturbances in parks, preserves and other property owned by the City or its agencies, please refer to Chapter 396 Parks and Recreation, Parts 304, 305 and 312.

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.

Drafted by: City Clerk/Council Solicitor
Referred by: City Council
Introduced on: June 27, 2022
Advertised on: July 1, 2022

**BILL NO. _____ 2022
AN ORDINANCE**

AN ORDINANCE DIRECTING THE BERKS COUNTY BOARD OF ELECTIONS TO PLACE A REFERENDUM QUESTION BEFORE CITY VOTERS ON THE 2022 GENERAL ELECTION BALLOT WHICH WOULD AMEND THE CITY OF READING HOME RULE CHARTER BY REQUIRING THAT THE TERMINATION OF DEPARTMENT DIRECTORS BE APPROVED OR REJECTED BY CITY COUNCIL BY RESOLUTION WITH A MAJORITY VOTE

WHEREAS, § 603 (b). Heads of departments, offices, and agencies provides the Mayor with the ability to remove Department Directors from office at any time without cause and requires the Mayor to provide the reason for the removal to City Council in writing within 14 days of the removal; and

WHEREAS, § 603 (a) entitled Heads of departments, offices and agencies requires City Council to approve or reject of the Mayor’s appointment of Department Directors within 60 days from the date of appointment; and

WHEREAS, this imbalance of power illogically eliminates City Council from termination decisions and leaves those appointed to Department Director positions vulnerable to Administration changes, and resulting in the lack of historical stability and continuity at these top executive positions; and

WHEREAS, adding Council to approve the Mayor’s termination of the Department Directors by Resolution with a majority vote is a logical corollary to the appointment approval power in § 603 (a) of the Charter and provides a critical check and balance which will improve the stability and continuity for these top executive positions moving forward.

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

SECTION 1. Directing the Berks County Board of Elections to place the following referendum question to voters of the City of Reading on the 2022 General Election ballot:

Home Rule Charter § 603. Heads of departments, offices and agencies

“Shall § 603 of the Reading Home Rule Charter be amended to require that the termination of Department Directors requires the approval of both the Mayor and City Council by resolution with a majority vote?”

Simple Explanation

The current City Charter provides the Mayor with the sole ability to terminate Department Directors at any time, without cause, and without consideration by City Council, which is illogical given Council’s control over the appointment of these positions and which has resulted in a lack of historical stability and continuity in these top positions. Amending the Charter to provide Council with the decision-making power of termination together with the Mayor will improve the stability of these top position and improve the City’s ability to attract qualified candidates.

SECTION 2. In the proposed amendment, the language of Charter Section 603 (a) and (b) shall be deleted and replaced as follows:

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

(a) Appointment. Except as otherwise provided by this Charter, the Mayor shall appoint 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, with the approval of Council by resolution by majority vote. Such decision of City Council shall be made within 30 days from the date of the removal decision by the Mayor, if Council fails to adopt the resolution authorizing the termination of the Department Director within the 30 day period, the termination is deemed approved.

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

Enacted _____, 2022

Vice President of Council

Attest:

City Clerk

Submitted to Mayor: _____ Date: _____

Received by Mayor’s Office: _____ Date: _____

Approved by Mayor: _____ Date: _____

Vetoed by Mayor: _____ Date: _____

Drafted by:
Sponsored/Referred by:
Introduced on:

Law
Managing Director
June 27, 2022

**BILL NO. _____-2022
AN ORDINANCE**

AUTHORIZING THE MAYOR TO ACCEPT THE CONVEYANCE OF 140 SCHILLER STREET BERKS COUNTY PARCEL I.D. NO. 06530765523615 FROM THE READING REDEVELOPMENT AUTHORITY

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

SECTION 1. The Mayor is authorized to accept the conveyance of 140 Schiller Street Berks County Parcel I.D. No. 06530765523615 from the Reading Redevelopment Authority and enter into the agreement of sale of the property for nominal consideration. A copy of the proposed agreement of sale is attached as Exhibit A.

SECTION 2. This Ordinance shall be effective ten (10) days after passage, as per Home Rule Charter Sections 219 & 221.

Enacted _____, 2022

President of Council

Attest:

City Clerk

Sent to Mayor _____	Date: _____
Signed by Mayor _____	Date: _____
Vetoed by Mayor: _____	Date: _____
Over-ridden by Council: _____	Date: _____

AGREEMENT OF SALE

THIS AGREEMENT OF SALE (the "Agreement") is made the _____ day of _____, 2022, between the REDEVELOPMENT AUTHORITY OF THE CITY OF READING, a Pennsylvania urban development authority, having an address of 815 Washington Street, City Hall, Suite 2-53, Reading, PA 19601 (the "RRA"), and the CITY OF READING, a Pennsylvania municipal corporation, having an address of 815 Washington Street, Reading, PA 19601 (the "City").

WITNESSETH:

1. Conveyance of Real Property. On or by August 30, 2022 ("Closing"), the RRA agrees to convey to the City, and the City agrees to accept from RRA, certain real estate located and known as 140 Schiller Street, Reading, PA 19601, being Berks County Parcel I.D. No. 065307655523615, together with improvements thereon, as more fully described in Exhibit "A" attached hereto (the "Property").

2. Condition of Title.

(a) Title to the Property shall be good and marketable and free and clear of all liens and encumbrances with the exception of existing building restrictions, ordinances, easements of roads, public easements appearing of record, easements visible upon the ground and privileges or rights of public service companies, and shall be insurable as such at ordinary rates by a reputable title insurance company licensed to do business in Pennsylvania.

(b) Within twenty (20) days after the date hereof, the City shall deliver to the RRA a title binder for the Property from the title company which will insure the City's title hereunder and shall notify the RRA in writing of any title matters contained therein which do not satisfy the foregoing title requirements. If the title binder and exceptions are not delivered to the RRA within the aforesaid twenty (20) day period, title shall be deemed acceptable to the City. Following delivery of a title binder and list of unacceptable title exceptions, if any, the RRA shall have twenty (20) days to demonstrate to the satisfaction of the City and its title insurer that such exceptions may be cured or removed. Should the RRA fail to demonstrate that all unacceptable title conditions may be cured or removed in the time allowed, the City shall have the right to terminate this Agreement.

3. Notices and Assessments. The City, at its sole expense, shall comply with the requirements of any and all notices relating to the Property which may be issued by municipal or other public authorities after the date of execution of this Agreement and shall pay for all work and improvements done or ordered to be done after the date of execution of this Agreement by any such authority which may result in the imposition of a lien against the Property; provided, however, if the cost of complying with any such notices and assessments exceeds Five Thousand Dollars (\$5,000.00) in the aggregate, the City shall have the option to either (a) pay for all such work and improvements to be done, or (b) terminate this Agreement, in which event this Agreement shall be null and void, and neither party shall have any further obligations hereunder. RRA hereby represents and warrants that it has no knowledge of any potential assessments for public improvements that may be levied against or be required to be levied against the Property by a municipal or governmental entity.

4. **Tax Exempt Status.** The parties agree to cooperate to the extent required to maintain the real estate tax-exempt status of the Property. The provisions of this paragraph shall survive closing.

5. **RRA's Representations.** As an inducement for the City to enter into this Agreement, the RRA makes the following representations and warranties to the City:

(a) **Agreement of Sale.** No party, other than the RRA and the City, have any legal or equitable Property ownership rights. Any and all prior agreements of sale entered into by RRA with respect to the Property have been terminated, and the City shall hold RRA harmless from any and all claims and liabilities arising under any such prior agreements of sale; and

(b) **Possession.** No person or entity, other than the RRA and its departments and duly authorized employees and personnel, are in possession of the Property or any part of the Property. No Part of the Property or the improvements thereon are leased to any third party.

6. **The Deed.** The deed conveying title to the Property to the City shall be a Special Warranty Deed, and shall be prepared at the expense of RRA.

7. **Closing Costs.** The City shall be responsible for:

(a) Payment of all unpaid water and sewer rents due and owing as of the date of Closing;

(b) Any title search fees, the premium for title insurance including all charges for special coverages and endorsements if desired or required by the City; and

(c) all recording costs charged by the Office of the Berks County Recorder of Deeds to record the Deed.

8. **Counsel Fees.** Each party shall be responsible for their own counsel fees, if incurred.

9. **As-Is Condition of Property.**

(a) The City acknowledges that it has had the opportunity to inspect the physical condition of the Property to the extent deemed necessary by the City, and the City agrees that neither the RRA nor anyone on the RRA's behalf has made any representation or warranty with respect to the physical condition of the Property or otherwise. Notwithstanding the foregoing, the RRA shall be responsible for maintaining the Property in substantially the condition as exists on the date of this Agreement, at RRA's expense, through the date possession is surrendered to the City.

(b) The City acknowledges that neither RRA nor any person acting or purporting to act for RRA has made or now makes any representations or warranties, and that RRA is unwilling to make any representations and warranties and has held out no inducements to the City other than those specifically set forth herein. The City agrees to take the Property "as-is", "where-is", "with all faults" and in its present condition.

10. Broker. RRA and the City each warrant and represent to the other that each has had no dealings, negotiations or communications with any brokers or other intermediaries in connection with the transactions contemplated by this Agreement.

11. Public Notices and Assessments. The RRA warrants that it has not received notice of any pending improvement assessments.

12. Condemnation and Casualty. If condemnation proceedings are instituted against all or any portion of the Property or a casualty occurs to the Property, either of which would materially interfere with the City's intended use and enjoyment of the Property, then the City, as its sole remedy may elect to continue with the transfer of the Property to the City or may terminate this Agreement. If City elects to complete the transfer of the Property, the city shall be entitled to an assignment of all of RRA's condemnation and/or insurance claims and payment of any proceeds received by the RRA prior to closing. If condemnation proceedings are instituted against all or any portion of the Property or a casualty occurs to the Property, either of which would not materially interfere with the City's intended use and enjoyment of the Property, the City shall be entitled to complete the transfer of the Property and be entitled to an assignment of all of the RRA's condemnation and/or insurance claims relating to the land and building, and payment of any proceeds received by the RRA prior to closing.

13. Notices. All notices to be given hereunder by either party to the other shall be in writing and shall be deemed delivered if given in person or mailed by United States registered or certified mail, postage prepaid, return receipt requested, addressed to the party for whom intended or by overnight delivery service providing proof of deliver. Notices shall be sent to:

As to RRA: The Redevelopment Authority of the
Reading City Hall, Suite 2-53
815 Washington Street
Reading, PA 19601

With a copy to: Melissa A. Krishock, Esquire
Bingaman Hess
2 Meridian Boulevard, Suite 100
Wyomissing, PA 19610

As to the City: City of Reading

City Hall

815 Washington Street

Reading, PA 19601

14. No Recording. This Agreement shall not be recorded or filed in any office or place of public record.

15. Assignment. This Agreement shall not be assigned or transferred by the City without the express written consent of RRA.

16. Binding Effect. This Agreement shall be binding upon and insure to the benefit of the City and RRA and their respective successors and assigns.

17. Headings. The headings in this Agreement are used only for convenience in reference, they are not part of this Agreement and do not in any way limit or add to the terms and provisions hereof.

18. Entire Agreement. This is the entire agreement between the parties specific to terms and conditions relating to transfer of the Property. Any agreement hereafter made shall be ineffective to change, modify, discharge or effect an abandonment of this Agreement in whole or in part unless such agreement is in writing and signed by the party against whom enforcement of the change, modification, discharge or abandonment is sought.

19. Authorization. Each party represents to the other that the execution of this Agreement, as well as the terms and conditions set forth herein, have been duly approved by the Board of the Redevelopment Authority of the City of Reading, in the case of RRA, and by **City Council**, in the case of the City, acted upon at public meetings and in accordance with law.

20. Applicable Law. This Agreement shall be governed and construed according to laws of Pennsylvania.

21. Execution Date. The execution date of this Agreement shall be deemed to be the date on which it is executed by RRA.

IN WITNESS WHEREOF, the parties hereto have duly executed this Agreement intending to be legally bound hereby.

RRA:

REDEVELOPMENT AUTHORITY OF THE
CITY OF READING

By: _____

Attest: _____
Name/Title:

THE CITY:

THE CITY OF READING

By: _____
Name/Title:

Attest: _____
Name/Title:

EXHIBIT "A"

ALL THAT CERTAIN lot or piece of ground, together with the garages thereon erected, situate on the southern side of Schiller Street; between North Front and Division Streets, in the City of Reading, Berks County, Pennsylvania bounded and described as follows, to wit:

BEGINNING at a corner of property of Spatz and Spannuth, said corner being in the southern building line of Schiller Street, twenty-one feet nine and one-eighth inches (21' 9-1/8") east of the southeastern building corner of said Schiller Street and Division Street; thence southwardly along said property of Spatz and Spannuth parallel to Division Street and making an interior angle of ninety degrees nine minutes (90° 09') with Schiller Street, a distance of ninety feet (90') to a corner in the northern side of a ten feet (10') wide alley as now opened and used, thence northeastwardly along the northern side of said ten feet (10') wide alley parallel to Schiller Street and making an interior angle of eighty-nine degrees fifty-one minutes (89° 51') with last described line a distance of forty-seven feet six and seven-eighths inches (47' 6-7/8") to an angle in said ten feet (10') wide alley; thence eastwardly continuing along the northern side of said ten feet (10') wide alley, parallel to Schiller Street and making an interior angle of two hundred and four degrees forty-two minutes (204° 42') with last described line a distance of thirty-four feet four and three-fourths (34' 4-3/4") inches to a corner of property of the Leinbach Box Company, thence northwardly along the same at right angles to said ten feet (10') wide alley and Schiller Street, a distance of one hundred feet (100') to a corner in the aforesaid southern building line of Schiller Street, thence westwardly along the same a distance of thirty-two feet four and three-eighths inches (32' 4-3/8") to an angle in said Schiller Street, thence southwestwardly continuing along the southern building line of Schiller Street making an interior angle of one hundred fifty-five degrees, eighteen minutes (155° 18') with the last described line a distance of ninety feet eleven and five-eighths inches (90' 11-5/8") to the place of Beginning.

CONTAINING nine thousand five hundred seventy-two and three-tenths (9572.30) square feet.

**Monthly Department of Fire and Rescue Services
Report to City Council**



Director/Chief: James Stoudt Jr

Date:

I. ACCOMPLISHMENTS –

- On June 8th 4 members led by Deputy Chief Mike Glore went to Campbell Supply in East Brunswick, NJ to coordinate tool and equipment mounting on our new '93 Tower Ladder. Delivery is expected within the next 2 weeks.
- Ten members of the Department were nominated for the 2022 Burn Prevention Lehigh Valley Spirit of courage awards. All were approved and will be receiving their awards in October at the annual recognition event. The members are being recognized for bravery at 3 separate incidents which occurred in 2021.
- A \$15,000 state grant which was approved earlier in the year was finally received. This money will go towards the purchase of a Drone and power saws for our aerial and rescue apparatus. The Drone will be in possession of the Fire Marshalls office to which Lt Kirk Litzenberger has the proper license and credentials.
- Received the final shipment of new AED's which was part of the 2020 AFG grant.
- Civil service testing for entry level positions was held on June 18. A total of 41 individuals will be moving on the 2nd step which is the CPAT portion.

II. ON-GOING PROJECTS -

- Continued work on the 9th & Marion fire station (see attached photo) The final steel beam is on point to be set on Wednesday July 13. A small ceremony will take place at the construction site at 1000. I will send out a memo in regards to it.
- The work on the ramp at the SW station was completed and the station is back in full operation.
- Deputy Chiefs Banks and Moyer have been working with David Anspach with a project that will replace all fluorescent lights in the station engine rooms with LED.
- Work on the McKnight & Spring station on the new generator, kitchen and painting is going to begin in the next week or two.

III. Fire and EMS Responses for the Month of – May 2022

Total Responses by the EMS Units - 1,671

Mutual Aid from County Units - 72
Mutual Aid to County - 58
Naloxone Events - 35

Total Response for Fire Apparatus – 640
Firefighter Injuries - 1 (minor)
Civilian Injuries - 0

The Department responded to a total of 7 structure fires during the month. All were minor.

IV. Office of the Fire Marshal Updates for the Month of – May 2022

- **Inspections = 95**
- **Re – Inspections = 45**
- **Permits issued = 7**