



# *CITY COUNCIL*

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## ***Public Safety Committee***

**Monday, April 7, 2008**  
**Agenda**

**Committee Members: D. Sterner (Chair), S. Marmarou, M. Goodman-Hinnershitz**

### **COMMITTEE OF THE WHOLE**

#### **A. Update Housing Permit Process 5:00 p.m.**

- Total number of City rental properties
- Number of permits submitted
- Number of permits processed
- Number of permits approved by Administrative Hearing & number requiring Special Exception or Conditional Use approvals
- Total number of permits denied and approved to date
- Process used to handle properties sold during the implementation process

#### **B. Pagoda Anniversary Update (Councilor Goodman-Hinnershitz)**

### **PUBLIC SAFETY COMMITTEE MEETING**

#### **I. Party Permit Ordinance (Chief Heim) 5:30 p.m.**

#### **II. Solicitation & Canvassing Ordinance (Chief Heim)**

#### **III. Amendment to Disruptive Tenant Ordinance (Solicitor)**

#### **IV. Identification of Committee Goals and Objectives 6:30 p.m.**

#### **V. Review Reports:**

- Codes Enforcement
- Crime Stats (Police)
- Fire Report

*It is possible that members of and possibly a quorum of members of other governmental bodies of the municipality may be in attendance at the above-stated meeting to gather information. No action will be taken by any governmental body at the above stated meeting other than the governmental body specifically referred to above in this notice.*

# PAGODA ANNIVERSARY

## *Pagoda Centennial Celebration Kick-Off*

On this day we will “Kick-Off” the Centennial Celebration of our beloved community landmark, The Pagoda. Please continue to watch for more details about this event and future activities. If you wish to volunteer, please just e-mail us at [teampagoda@readingpagoda.com](mailto:teampagoda@readingpagoda.com) with your information and someone will contact you.

### **Pagoda Centennial Celebration Kick-Off**

**Sponsored by: IBEW Local 743**

and the **City of Reading**

**Saturday, April 12, 2008 from 8am to 4pm at The Pagoda**

8am start “Pagoda to Home Plate” 5mile Race & Fun Walk sponsored by Reading Rotary and the Reading Phillies

Come and “run” at your own pace from the Pagoda to home plate at FirstEnergy Stadium. Park at the stadium and be transported by bus to the Pagoda for the start of this fun run to support the Pagoda’s Centennial Celebration. [cost: \$30; \$35 day of race] – for more information go to [www.RPHILS.com](http://www.RPHILS.com). Volunteers are needed – all volunteers receive a ticket to the R-Phils game at 2:05pm.

8:30am – 10am Walk the trails and do some bird watching with Jack Holcomb and his WEEU LIVE broadcast from atop Mt. Penn

9am – 1pm Community Planting – be part of decorating the grounds for the Centennial Celebration – bring your perennial plants or just your garden gloves to help with this project

9am – 1pm Kite Workshop taught by “Kiteman” Carl Leisey – make a special Pagoda Centennial Kite – sponsored by Manor at Market Square

10am – 11am Join the “Voices’ Teens Talk Show” LIVE on WEEU at the Pagoda. Discuss the history and share your memories of the Pagoda with the youth of our community

11am – 1pm **LIVE on WEEU** with lots of activities for everyone ...

In honor of the Kick-Off of the Cherry Blossom Festival [April 12<sup>th</sup> to the 27<sup>th</sup> – for more information go to [www.riverplace.com](http://www.riverplace.com)] we will have cherry pies and a cherry pie eating contest. Have a slice of pie with a cup of coffee in our Café and don't forget to shop the Pagoda Skyline gift shop, now located on the first floor of the Pagoda

11am -11:30am **Cherry Pie Eating Contest** – How fast can you eat a Cherry Pie?

Noon – 12:30pm Sudoku Tournament – if you love the challenge you could be our 1<sup>st</sup> ever Greater Reading's Sudoku Champion – keep listening to WEEU for more details

1:30pm – 3:30pm Origami – learn the art of origami – make a Samurai Hat or a brightly colored crane  
...then leave a crane at the Pagoda for good luck

**Also along Skyline Drive:**

1pm – 4pm Flying Dutchmen Model Airplane Flying – watch the art of model airplane flying at Drenkle Field – just up the road from the Pagoda

**At the Pagoda throughout the day there will be music – including live music in our natural amphitheater, food, entertainment and tours of the Pagoda.**

**For more information go to [www.readingpagoda.com](http://www.readingpagoda.com), [www.readingpa.gov](http://www.readingpa.gov) or [www.weeu.com](http://www.weeu.com)**

Save the DATES ... 08/08/08 the Pagoda Birthday Party and 08/09/08 ... the Party continues.

BILL NO. \_\_\_\_\_-2008  
AN ORDINANCE

**AN ORDINANCE AMENDING THE CODIFIED ORDINANCES OF THE CITY OF READING BY ADDING TO CHAPTER 6 – CONDUCT AND CREATING A NEW PART 8 REQUIRING A PERMIT FOR PARTIES OR GATHERINGS WHERE ALCOHOLIC BEVERAGES WILL BE PRESENT, SERVED OR CONSUMED**

**WHEREAS**, the City of Reading City Council is duly empowered to enact certain regulations relating to the public health, safety and welfare of the citizens of the City of Reading; and

**WHEREAS**, the City of Reading has determined that large gatherings combined with the consumption of alcoholic beverages on private property presents public health and safety risks;; and

**WHEREAS**, the City finds that including regulations for parties or gatherings where alcoholic beverages will be served or consumed is in the best interest of the residents and visitors of the City of Reading.

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

**SECTION 1.** Amending the Codified Ordinances of the City of Reading Chapter 6 by adding Part 8 requiring a permit for parties or gatherings where alcoholic beverages are present, consumed or be served, when 50 people or more are present, as attached in Exhibit A.

**SECTION 2.** This ordinance shall be effective ten (10) days after its adoption and approval by the Mayor, or re-passage by City Council over the Mayor’s veto, in accordance with Section 219 of the City of Reading Home Rule Charter, or as set forth in Section 221 of the City of Reading Home Rule Charter.

Enacted \_\_\_\_\_, 2008

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

Attest:

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

*(Councilor Goodman-Himmershitz & Council Staff)*

## PART 8

### PERMITS FOR LARGE OUTDOOR SOCIAL GATHERINGS (50 PEOPLE OR MORE) WHERE ALCOHOLIC BEVERAGES ARE PRESENT, SERVED OR CONSUMED.

#### §6-801. Definitions.

**BUILDING** — anything constructed or erected, the use of which requires a permanent location on the land or that is attached to something having a permanent location on the land. Tents, covered patios, open porches and decks are not buildings under this Part.

**OUTDOOR** — the space on a premises not including any building on the premises.

**PERSON** — an individual, corporation, proprietorship, partnership, association or other entity.

**PREMISES** — a parcel of land or building upon which all or part of a regulated social gathering takes place.

**REGULATED SOCIAL GATHERING** — a congregation of persons for social interaction where alcoholic beverages are present, served or consumed and which is attended at any one time by more than 50 persons, regardless of age. A gathering where the consumption of alcohol is prohibited and a gathering located at a shall not be considered a regulated social gathering under this Part.

#### §6-802. Permit Required.

1. Each person organizing, hosting or sponsoring a regulated social gathering shall file with the City of Reading Chief of Police an application for a permit for a regulated social gathering on an application form provided by the City of Reading.
2. A fee as set by this ordinance, approved by the City of Reading City Council shall accompany a permit application.
3. An application for a permit for a regulated social gathering shall be filed no less than 14 days prior to the date of the regulated social gathering. Failure to timely file the application shall be grounds in and of itself to deny the application for the permit.
4. The application for a permit for a regulated social gathering shall include the following:

#### LICENSES, PERMITS AND GENERAL BUSINESS REGULATIONS

- A. The names, local and permanent addresses, telephone numbers and ages of all individuals sponsoring, hosting or organizing the regulated social gathering. If a corporation is sponsoring, hosting or organizing the regulated social gathering, the officers and directors of the corporation shall be considered the individuals sponsoring, hosting or organizing the regulated social gathering, in addition to any other individuals sponsoring, hosting or organizing the regulated social gathering.
- B. The location of the regulated social gathering.
- C. The number of persons who will attend the regulated social gathering.
- D. The identity of the source of alcoholic beverages for the regulated social

gathering.

E. The time that the regulated social gathering will start and the time it will end.

F. A description of the entertainment that will be present at the regulated social gathering.

G. The method in which the number of persons attending the regulated social gathering will be regulated.

H. Whether security will be provided and, if so, the manner in which security will be provided.

I. The written authorization for a regulated social gathering from the owner of the premises for the date on which the regulated social gathering may be held.

J. The square feet of open space on the premises where the regulated social gathering will take place.

K. The manner in which the furnishing of alcoholic beverages or the consumption of alcoholic beverages by minors will be prevented.

L. The manner in which the alcohol will be served.

5. A prior violation of this Part by the individuals or organization sponsoring, hosting or organizing the regulated social gathering will be in and of itself grounds for denying the application for permit.

6. A violation, at any time in the past, of the Pennsylvania Liquor Code by the serving of alcoholic beverages to a minor on the premises where a regulated social gathering was held shall, in and of itself, be ground for denying an application for permit under this Part.

### **§6-803. Special Requirements.**

1. If activities of any social gathering in the three years prior to the application for a permit for a regulated social gathering required the presence of the Police Department of the City of Reading, the Chief of Police, taking into account all of the circumstances relating to the proposed regulated social gathering may, in his or her discretion, require the applicant to provide the following with a completed application:

A. A plan for private security which shall be approved by the City of Reading Police Chief.

B. A cash bond in an amount no less than \$500 set by the City of Reading Chief of Police to cover the projected costs to the City for Police and Codes Enforcement response to the premises where the regulated social gathering is to be held.

2. If at any social gathering in the three years prior to the application for a permit for a regulated social gathering a person was injured or became ill from consumption of alcoholic beverages, the applicant shall provide a certificate of insurance showing comprehensive liability insurance covering the persons at the regulated social gathering with a policy limit of no less than \$500,000.

3. Dispensing of alcoholic beverages.

A. Any person, host, sponsor, group, or organization who obtains a permit to host a regulated social gathering where alcohol is being served, provided, or

consumed shall be prohibited from the possession of or the providing of alcoholic beverages in glass bottle containers on the premises.

B. Alcoholic beverages may only be served in and consumed from plastic or aluminum containers and shall only be dispensed by a keg or beer ball.

C. A violation of this paragraph shall authorize the revocation of a regulated social gathering permit and the dispersal of persons on the premises, in addition to the imposition of fines and costs as provided below.

#### **§6-804. Appeals.**

The denial of a permit by the Chief of Police may be appealed to the City of Reading City Council pursuant to the provisions of the Local Agency Act.

#### **§6-805. Violations.**

1. It shall be unlawful for any person to sponsor, host, organize, attend or participate in a regulated social gathering in the absence of a permit issued by the City of Reading Chief of Police.
2. It shall be unlawful for the owner of the premises or those occupying or in control of the premises to permit a regulated social gathering to take place on the premises in the absence of a permit issued by the City of Reading Chief of Police.
3. It shall be a violation of this Part for any property owner or person in control of the premises to permit a regulated social gathering to take place or continue on the premises that violates any special conditions imposed upon the regulated social gathering by the permit.
4. Furnishing false information on the application for a permit for a regulated social gathering shall be a violation of this Part.
5. A person who sponsors, hosts or organizes a regulated social gathering who is not identified as a sponsor, host or organizer on the application for permit shall be in violation of this Part.
6. It shall be unlawful for the owner of premises to knowingly permit a social gathering to take place on the premises in violation of this Part.
7. The failure to implement the representations set forth in the application for a permit with regard to the maximum number of persons attending the regulated social gathering, the serving or consumption of alcoholic beverages by minors, continuing the regulated social gathering after the time limit set forth in the application or the failure to comply with any conditions in the permit will be a violation of this Part.

#### **§6-806. Enforcement.**

1. Any person violating this Part shall, upon conviction in a summary proceeding, be sentenced to pay a fine not to exceed \$600 to the use of the City of Reading, along with costs of prosecution, or to be imprisoned for not more than 10 days or both.
2. The City of Reading Police Department shall have the authority to disperse persons, upon notice, who attend a regulated social gathering for which no

permit has been obtained. Failure to disperse shall be a violation of this Part.

3. Nothing in the Part shall limit the City of Reading from filing an action in equity to enjoin a regulated social gathering held in violation of this Part nor limit the Police Department from making arrests for violation of the laws of the Commonwealth of Pennsylvania and the ordinances of the City of Reading.

**§6-807. Exemptions.**

This Part shall not apply to 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.

**BILL NO. \_\_\_\_\_ 2008  
AN ORDINANCE**

**AN ORDINANCE AMENDING THE CITY OF READING CODE OF ORDINANCES  
CHAPTER 6 CONDUCT BY CREATING A NEW PART 8 SOLICITATION AND  
CANVASSING, REQUIRING A PERMIT FOR SOLICITATION AND CANVASSING TO  
PROTECT THE SAFETY, HEALTH AND WELFARE OF THOSE WHO LIVE AND VISIT THE  
CITY OF READING.**

**Whereas**, there is no absolute right under the United States Constitution to enter on the premises of another and police powers permit reasonable regulation for health and safety, and

**Whereas**, unlicensed solicitation and canvassing by unregistered solicitors and canvassers creates health and safety hazards for City residents and visitors and exposes residents and visitors to fraud; and

**Whereas**, the City of Reading City Council enacts this legislation to provide reasonable and fair regulation for solicitation and canvassing to protect residents and visitors against crime and undue annoyance.

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

**CHAPTER 6 – PART 8 SOLICITATION AND CANVASSING**

**SECTION 6-801. PURPOSE .**

The purpose of this ordinance 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 Ordinance to regulate solicitation and canvassing in the City of Reading to protect the public health, safety and welfare.

## SECTION 6-802. DEFINITIONS

**A. Definitions.** The following words as used in this Ordinance shall have the following meanings:

1. *Applicant* shall mean the person or organization seeking a permit.
2. *Canvassing* shall mean 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.
3. *Chief of Police* shall mean the Chief of the City of Reading Police Department or his designee.
4. *Solicitation* shall mean 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.
5. *Solicitation and Canvassing Period* shall mean a period not to exceed seven calendar days.
6. *Organizer* shall mean the person responsible for organizing the solicitation or canvassing activity and whose name shall be on the application.
7. *Permit* shall mean 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.
8. *Residence* shall mean and include every separate living unit occupied for residential purposes by one or more persons contained within any type of building or structure.

## SECTION 6-803. 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 Ordinance to engage in solicitation and canvassing without a permit or otherwise not in accordance with the terms of this Ordinance 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 ten (10) business days but no more than sixty (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 ten 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):

- (1) Name(s). The name(s) of the person(s) making application for solicitation or canvassing within the City of Reading;

- (2) Address. The permanent address and local address, if any, of each Organizer;
- (3) Physical features of applicant(s) including height, weight, age, sex, race, and social security number of each for background check purposes;
- (4) Photocopy of driver's license or other official photo identification of each Organizer;
- (5) Description of the proposed solicitation or canvassing activity, and purpose for activity (i.e., use of funds);
- (6) Specific location(s) for solicitation or canvassing activity, including specific houses targeted, and number of solicitors or canvassers at each such location;
- (7) Dates and times of solicitation or canvassing activity;
- (8) 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;
- (9) 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; and
- (10) 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 Ordinance. The Chief 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 may, at his discretion, conduct a background check of the Organizers. The Chief may, at his discretion, make any other inquiries he deems necessary for the investigation of the applicant or the Organizers.

**D. Decision.** The Chief may grant, deny, or grant a restricted permit. The Chief shall issue a permit as provided in this Ordinance 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 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; or

4. The application was not complete, or the application or permits requested are not fully in compliance with the requirements of this Ordinance.

The Chief 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 shall indicate on the permit the permitted activities, locations, and duration of the permit. The Chief 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. 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.

**H. 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.

**SECTION 6-804. RESPONSIBILITY FOR PAYMENT OF TAXES.** It shall be the responsibility of every solicitor or canvasser given a permit under this Ordinance 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.

**SECTION 6-805. 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 ten (10) days after the denial or restriction is received.

**B. Procedure.** The Chief 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 Ordinance, the substantive provisions, and giving deference to the judgment of the Chief, 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 Ordinance. City Council shall render a decision within ten (10) days after the hearing.

**SECTION 806. VIOLATIONS, ENFORCEMENT, PENALTIES**

**A. Revocation of Permit.** The Chief of Police or his designee is hereby authorized to revoke a permit issued under this Ordinance 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 Ordinance; or
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 Magistrate 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 Ordinance is subject to a fine of up to three hundred dollars (\$300.00) per day per violation per individual participant. The minimum fine shall be \$50.00 per day per violation per individual participant.

**D.** Any person, organization, business or entity found guilty of violating this Ordinance 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 Ordinance 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 Ordinance. The City 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.

**SECTION 6-807. EXEMPTIONS**

This Chapter shall not apply to recognized youth organizations; political candidates for public office, or their workers; 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 fire-fighter or police department fundraisers or other similar collections.

**SECTION 6-808. SEVERABILITY**

If any paragraph, subparagraph, sentence, clause, phrase or any portion of this Ordinance be declared invalid or unconstitutional by a court of competent jurisdiction, or if any provision of any part of this Ordinance as applied to any particular situation or set of circumstances be declared invalid, or unconstitutional, such invalidity shall not be construed to affect the remaining portions of this Ordinance not so held to be invalid, or the application of this Ordinance or other circumstances not so held to be invalid.

**SECTION 6-809 REPEALER**

This Ordinance repeals any prior ordinance or resolution in conflict herewith, except to the extent that said ordinance or resolution is more restrictive than this Ordinance, in which case that ordinance or resolution shall control.

BILL NO. \_\_\_\_\_-2008

AN ORDINANCE

AMENDING CHAPTER 11 HOUSING - RENTAL OF  
THE CITY OF READING CODIFIED ORDINANCES

THE CITY OF READING HEREBY ORDAINS AS FOLLOWS:

**SECTION 1:** Chapter 11 entitled Housing - Rental is amended as follows:

Section 104 Application for Permit Subsection 14 (§11-104(14)) of the Codified Ordinances is hereby deleted. The remaining subsections of Section 104 are renumbered accordingly, 11-104(15) is now 11-104(14), 11-104(16) is now 11-104(15) and 11-104(17) is now 11-104(16).

**Comment [m1]:** Section required payment of all municipal fees to obtain permit. In light of recent caselaw which prohibits such requirement recommended it be removed

Section 124 Disruptive Conduct Subsection C Eviction (§11-124(C)) is amended to read in its entirety as follows:

After three (3) disruptive conduct incidents in any 12-month period by an the occupant documented by disruptive conduct reports, the owner or local responsible agent shall have ten (10) working days from the date of his/her receiving the notice to begin eviction proceedings against the occupants. *The owner or local responsible agent shall diligently pursue the eviction of the occupants as required herein. Diligent pursuit of the eviction of said occupants shall include but not be limited to prosecution of the eviction proceedings and participation with follow through of any appeal.* This paragraph is not intended to limit or inhibit the owner or local responsible agent's right to initiate eviction actions prior to the third disruptive conduct incident.

Section 124 Disruptive Conduct Subsection G Report Against All Occupants (§11-124(G)) shall be amended to read in its entirety as follows:

The content of the disruptive conduct report shall count against all occupants of the rental 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 rental unit occupants. *More than one disruptive conduct report filed against the occupants of a rental unit in a 24-hour period shall count as a single disruptive conduct report for the purpose of the preceding paragraph.*

Section 124 Disruptive Conduct Subsection H Maintenance of List of Evicted Occupants (§11-124(H)) shall be renamed and amended to read in its entirety as follows:

**H. MAINTENANCE OF LIST OF DISRUPTIVE CONDUCT REPORT TENANTS AND OCCUPANTS AND EVICTED OCCUPANTS**

*The Codes Enforcement Office 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 Ordinance. The Codes Enforcement Division shall also maintain a list of all occupants and tenants evicted as a result of this Ordinance. The names shall remain on the list for a period of five (5) years.*

Section 125 Housing Board of Appeals Subsection (A) Appeals (§11-125(A)) shall be amended to read in its entirety as follows:

Any person aggrieved by any decision of a police officer or public officer in regard to a disruptive conduct report or the suspension, nonrenewal, denial or revocation of a Rental Permit, may appeal to the Housing Board of Appeals. Such appeal must be filed, in writing *with the Manager of the Codes Enforcement Division*, with the appropriate filing fee within ten (10) working days from the date of receipt of the disruptive conduct report or notice of revocation.

Section 125 Housing Board of Appeals Subsection (C) Powers (§11-125(C)) is hereby amended to add a new paragraph 6 to read as follows and renumber the existing paragraph 6 to paragraph 7:

**6. 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.

Section 125 Housing Board of Appeals Subsection (G) Fee (§11-125(G)) shall be renamed and amended to read in its entirety as follows:

**G. FEE AND COSTS**

The fee for filing of an Appeal to the Housing Board of Appeals shall be \$75. 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.*

Comment [m2]: Was \$50.

**SECTION 2:** All relevant ordinances, regulations, remaining sections of Chapter 11 Housing - Rental Ordinance and policies of the City of Reading, Pennsylvania not amended hereby shall remain in full force and effect.

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

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

Enacted \_\_\_\_\_, 2008

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

Attest:

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

(LAW)

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

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

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

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

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

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

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

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

## Public Safety Goals

**Goal 1: Coordination of Police, Codes and Zoning Services**

**Goal 2: Support Problem Oriented Policing**

**Goal 3: Surveillance Camera Project**

**Goal 4: Support re-establishment of Canine Unit**

**Goal 5: Support Consolidation of Fire Departments**

**Goal 6: Support Update of Emergency & Pandemic Plan (including NIMS Training for all required personnel)**

**Goal 7: Support Health and Safety Review Ordinances**

**Goal 8: Amend Disruptive Tenant Ordinance (to remove loop holes and inconsistencies)**

**Goal 9: Support Cops and Codes Sweeps**

**Goal 10: Support Implementation of Sidewalk Café and Sales Ordinances**